

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS
ICE HEALTH SERVICE CORPS**

SEXUAL HARASSMENT PREVENTION AWARENESS

**IHSC Directive: 01-20
ERO Directive Number: 11719.2
Federal Enterprise Architecture Number: 306-112-002b
01 Dec 2015**

**By Order of the Acting Assistant Director
Stewart D. Smith, DHSc/s/**

1. **PURPOSE:** The purpose of this issuance is to set forth the policies and procedures for preventing sexual harassment.
2. **APPLICABILITY:** This directive applies to all IHSC personnel, including but not limited to, Public Health Service (PHS) officers, employees, and federal contractors. It is applicable to IHSC-staffed facilities supporting health care operations in ICE owned or contracted detention facilities, and to IHSC Headquarters staff.
3. **AUTHORITIES AND REFERENCES:**
 - 3-1. Department of Homeland Security; DHS Directives System, MD Number: 250-04; Revision Number: 00; Issue Date 05/31/2007; [Human Relations](#)
 - 3-2. ICE Policy 8001.2; Issue Date: 3/23/2006; Federal Enterprise Architecture Number: 306-112-002b; [Prevention of Sexual Harassment in the Workplace](#)
 - 3-3. [Title VII of the Civil Rights Act of 1964](#)
 - 3-4. Commissioned Corps Issuance System (CCIS); Commissioned Corps Personnel Manual; Part 4 - Regulations; Chapter CC46 – Conditions of Service; Subchapter CC46.4 – Officer’s Responsibilities and Conduct; Personnel Instruction 1 - [Disciplinary Action](#)
4. **POLICY:** All IHSC staff must adhere to work practices that do not create a hostile work environment and may not engage in unwelcome sexual advances, requests for sexual favors, and/or verbal, non-verbal, or physical conduct of a sexual nature, which demeans the dignity and respect of any person within the workplace.

4-1. Definition. Sexual harassment is defined as a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, verbal (and other non-verbal), or physical conduct of a sexual nature between the same or opposite genders when:

- a. Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or
- b. Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment.

4-2. Requirements. Sexual harassment demeans the dignity and respect of another person and impacts morale, discipline, and cohesiveness. It is not tolerated within IHSC. Any person in a supervisory or management position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of an individual is engaging in sexual harassment. Similarly, any individual who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment. It diminishes the high standards of honesty, integrity, and organizational values necessary for carrying out the mission of IHSC. Sexual harassment is punishable and any person who is found guilty of sexual harassment will be disciplined.

- a. Individuals who feel that they are being or have been sexually harassed should make it clear to the perpetrator that the behavior is offensive and are encouraged to report the incident to their supervisor or their manager. If the individual feels that they are unable to approach the supervisor or manager, the report should be made to the Assistant Director (AD). Supervisors and managers at all levels ensure that anyone filing a complaint alleging sexual harassment will be protected against acts or threats of reprisal and retaliation.
- b. Allegations of sexual harassment are investigated and resolved promptly at the lowest level possible or by formal disciplinary or administrative action. Supervisors and managers must take prompt and decisive action when such sexual harassment is substantiated. IHSC's policy is zero tolerance for sexual harassment and discrimination.

- c. All Commissioned Corps (CC) officers, civilian government employees, and contractors assigned to IHSC receive annual prevention of sexual harassment training that gives guidance on what constitutes sexual harassment and the avenues available for reporting sexual harassment.
- 5. **PROCEDURES:** None other than as noted above.
- 6. **HISTORICAL NOTES:** This directive replaces the previous version dated 8 Nov 2013. The only change is to the NCCHC reference from 2008 to 2014.
- 7. **DEFINITIONS:** See definition under 4-1.
- 8. **APPLICABLE STANDARDS:**
 - 8-1. **Performance Based National Detention Standards (PBNDS):**

PBNDS 2011: 7.3 Staff Training; C. *Initial and Annual Training*
 - 8-2. **American Correctional Association (ACA):**
 - a. Performance-Based Standards for Adult Local Detention Facilities, 4th edition
(1) 4-ALDF-7E-01, *Personnel Policies*
 - b. Standards for Adult Correctional Institutions, 4th edition
(1) 4-4069, *Code of Ethics*
 - c. Performance-Based Standards for Correctional Health Care in Adult Correctional Institutions
(1) 1-HC-2A-11, *Rules and Regulations*
 - 8-3. **National Commission on Correctional Health Care (NCCHC):**
 - a. Standards for Health Services in Jails, 2014, J-B-03: *Staff Safety*
 - b. Standards for Health Services in Jails, 2014, J-B-04: *Federal Sexual Assault Reporting Regulations*
- 9. **RECORDKEEPING.** IHSC maintains reports generated for temporary use to answer official requests until their usefulness is outlived. They are maintained by the responsible respondent.
- 10. **NO PRIVATE RIGHT STATEMENT.** This directive is an internal policy statement of IHSC. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable against the

United States; its departments, agencies, or other entities; its officers or employees; or any other person.